

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, November 17, 2021

Hearing Room 301

9:30 AM

1: -

Chapter

#0.00 You will not be permitted to be physically present in the courtroom. All appearances for this calendar will be via Zoom and not via Court Call. All parties participating in these hearings may connect from the zoom link listed below. This service is free of charge. You may participate using a computer or telephone.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

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Password: 007803

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Docket 0

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, November 17, 2021

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9:30 AM

CONT...

Chapter

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Wednesday, November 17, 2021

Hearing Room 301

9:30 AM

1:21-11600 Coast Management.net, A California Corporation

Chapter 7

#1.00 Motion for relief from stay [AN]

ROBERT SMITH
VS
DEBTOR

Docket 5

Tentative Ruling:

Grant relief from stay pursuant to 11 U.S.C. § 362(d)(1).

Movant (and any successors or assigns) may proceed under applicable nonbankruptcy law to enforce its remedies, provided that the stay remains in effect with respect to enforcement of any judgment against the debtor or property of the debtor's bankruptcy estate.

Any other request for relief is denied.

The 14-day stay prescribed by FRBP 4001(a)(3) is waived.

Movant must submit the order within seven (7) days.

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| Party Information |
|--------------------------|

Debtor(s):

Coast Management.net, A California

Represented By
Michael R Totaro

Movant(s):

Robert Smith

Represented By
Stephen M Sanders

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, November 17, 2021

Hearing Room 301

9:30 AM

1:21-10217 Ela Koc Stankiewicz

Chapter 7

#2.00 Motion for relief from stay [RP]

LAKEVIEW LOAN SERVICING LLC
VS
DEBTOR

Docket 25

Tentative Ruling:

Grant relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2).

Movant (and any successors or assigns) may proceed under applicable nonbankruptcy law to enforce its remedies to repossess and sell the property.

The 14-day stay prescribed by FRBP 4001(a)(3) is waived.

Movant must include the following provision in the order: "This order does not terminate any moratorium on evictions, foreclosures or similar relief. Nothing in this order should be construed as making any findings of fact or conclusions of law regarding the existence of, or merits of any dispute regarding, any such moratorium."

Movant must submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

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| Party Information |
|--------------------------|

Debtor(s):

Ela Koc Stankiewicz

Represented By
Matthew D. Resnik

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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CONT... Ela Koc Stankiewicz

Chapter 7

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Arnold L Graff

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Wednesday, November 17, 2021

Hearing Room 301

9:30 AM

1:21-11122 Jacob Zurnamer and Joan Diane Zurnamer

Chapter 7

#3.00 Motion for relief from stay [RP]

CENLAR FSB, et al.
VS
DEBTOR

Docket 28

Tentative Ruling:

Deny. Movant is adequately protected based on an equity cushion, and movant has not demonstrated that the debtors lack equity in the real property at issue.

The debtors must submit an order within seven (7) days.

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| Party Information |
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Debtor(s):

Jacob Zurnamer

Represented By
David S Hagen

Joint Debtor(s):

Joan Diane Zurnamer

Represented By
David S Hagen

Movant(s):

Cenlar, FSB, et al

Represented By
Bonni S Mantovani

Trustee(s):

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Wednesday, November 17, 2021

Hearing Room 301

9:30 AM

1:19-12554 Martin Vincent Hisey

Chapter 13

#4.00 Motion for relief from stay [RP]

SELECT PORTFOLIO SERVICING INC.
VS
DEBTOR

Docket 46

***** VACATED *** REASON: Motion is not in compliance with Local
Bankruptcy Rule 5005-2(d)(1). Motion is OFF CALENDAR.**

Tentative Ruling:

- NONE LISTED -

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| Party Information |
|--------------------------|

Debtor(s):

Martin Vincent Hisey

Represented By
Kevin T Simon

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, November 17, 2021

Hearing Room 301

9:30 AM

1:20-11491 Apolonio Chavez

Chapter 13

#5.00 Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOCIATION
VS
DEBTOR

Docket 32

Tentative Ruling:

- NONE LISTED -

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| Party Information |
|--------------------------|

Debtor(s):

Apolonio Chavez

Represented By
Danny K Agai

Movant(s):

U.S. Bank National Association as

Represented By
Diane Weifenbach

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Wednesday, November 17, 2021

Hearing Room 301

9:30 AM

1:21-11722 Lilibeth Miel Leviste

Chapter 13

#6.00 Motion in Individual Case for Order Imposing a Stay or
Continuing the Automatic Stay as the Court Deems Appropriate

Real Property 9811 Bothwell Road, Northridge, CA 91324

Docket 13

Tentative Ruling:

If the debtor decides to proceed with a chapter 13 case, the Court will deny the motion.

In the debtor's prior bankruptcy case (the "Prior Case") [1:21-bk-11220-VK], the secured creditor holding a second priority deed of trust against the debtor's real property (the "Second Lienholder") filed a proof of claim indicating that the debtor owed \$216,289.92 in arrears. During the Prior Case, the debtor filed a chapter 13 plan that failed to propose treatment to cure the arrears on the Second Lienholder's claim. As such, the Second Lienholder objected to confirmation of the proposed plan.

In connection with her current case, the debtor again proposed a chapter 13 plan [doc. 2] that does not account for a cure of the arrears on the Second Lienholder's claim. In her schedules I and J, the debtor identified a monthly net income of \$3,226.15. The debtor's income is insufficient to cure the arrearages of the Second Lienholder's claim through a chapter 13 plan. The debtor has not otherwise provided clear and convincing evidence that the debtor will be able to confirm a chapter 13 plan and fully perform the terms of a confirmed chapter 13 plan. *See* 11 U.S.C. § 362(c)(3)(C)(i)(III)(bb).

On the other hand, at this time, the record does not reflect any barriers to the debtor's ability to get a chapter 7 discharge. *See* 11 U.S.C. § 362(c)(3)(C)(i)(III)(aa). As such, if the debtor elects to proceed with a chapter 7 case, the Court will convert this case and grant the motion.

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| Party Information |
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Debtor(s):

Lilibeth Miel Leviste

Represented By

**United States Bankruptcy Court
Central District of California
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CONT... Lilibeth Miel Leviste

James G. Beirne

Chapter 13

Trustee(s):

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, November 17, 2021

Hearing Room 301

1:30 PM

1:18-10417 Deborah Lois Adri

Chapter 7

Adv#: 1:19-01088 Elissa D. Miler, chapter 7 trustee for the estate v. Adri

#7.00 Status conference re: complaint to deny discharge

fr. 10/2/19; 11/6/19; 1/15/20; 10/14/20; 11/18/20; 4/21/21
5/19/21; 7/14/21; 9/22/21; 10/20/21

STIP TO DISMISS ADVERSARY PROCEEDING FILED 10/21/21

Docket 1

***** VACATED *** REASON: order dismissing adversary case entered on
10/26/21 doc [74]**

Tentative Ruling:

- NONE LISTED -

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|--------------------------|
| Party Information |
|--------------------------|

Debtor(s):

Deborah Lois Adri

Represented By
Nina Z Javan
Daniel J Weintraub
James R Selth

Defendant(s):

Deborah Lois Adri

Pro Se

Plaintiff(s):

Elissa D. Miler, chapter 7 trustee for

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Cathy Ta
Larry W Gabriel

**United States Bankruptcy Court
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Hearing Room 301

1:30 PM

1:18-10417 Deborah Lois Adri

Chapter 7

Adv#: 1:20-01014 Adri v. Yaspan et al

#8.00 Status conference re: complaint for:
1- Unjust Enrichment, 2- Breach of Fiduciary Duty,
3- Professional Negligence, 4- Fraudulent Concelament,
5- Fraudulent Misrepresentation, 6- Constructive Fraud,
7- Attorney's fees for the Tort of Another, 8- Disgorgement of fees,
9- Declaratory Judgment

fr. 4/8/20; 5/5/20; 5/20/20; 6/24/20; 7/1/20; 1/13/21; 6/2/21

STIP TO DISMISS ADVERSARY FILED 11/15/21

Docket 1

***** VACATED *** REASON: Order dismissing adversary proceeding
entered 11/16/21. [Dkt. 37]**

Tentative Ruling:

- NONE LISTED -

| |
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| Party Information |
|--------------------------|

Debtor(s):

Deborah Lois Adri

Represented By
Nina Z Javan
Daniel J Weintraub
James R Selth

Defendant(s):

Robert Yaspan

Pro Se

Elissa Miller

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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CONT... Deborah Lois Adri

Chapter 7

Plaintiff(s):

Deborah Lois Adri

Pro Se

Trustee(s):

Elissa Miller (TR)

Represented By
Cathy Ta
Larry W Gabriel

**United States Bankruptcy Court
Central District of California
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1:30 PM

1:19-13155 Shobert Vartan

Chapter 7

Adv#: 1:20-01040 Alvarez et al v. Vartan

#9.00 Pre-trial conference re: first amended complaint

Docket 4

***** VACATED *** REASON: Stipulated judgment entered 11/8/21 [doc. 85]**

Tentative Ruling:

- NONE LISTED -

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| Party Information |
|--------------------------|

Debtor(s):

Shobert Vartan

Represented By
Michael Jay Berger

Defendant(s):

Shobert Vartan

Pro Se

Plaintiff(s):

Philip Alvarez as Successor Trustee

Represented By
Fritz J Firman

Philip Alvarez

Represented By
Fritz J Firman

Trustee(s):

David Seror (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Wednesday, November 17, 2021

Hearing Room 301

1:30 PM

1:20-10026 Joseph Wanamaker

Chapter 7

Adv#: 1:21-01062 Goldman v. Ship Plus Logistics et al

#10.00 Status conference re Trustee's first amended complaint for:

1. Avoidance of actual fraudulent transfer (11 U.S.C. § 548(a)(1) (A));
2. Avoidance of constructive fraudulent transfer § 548(a)(1) (B));
3. Avoidance of actual fraudulent transfer under applicable California Law (Cal. Civ. Code §§ 3439.04(a)(1) and 3439.07 and 11 U.S.C. §544(b));
4. Avoidance of constructive fraudulent transfer under applicable California Law (Cal. Civ. Code §§ 3439.05(and 3439.07 and 11 U.S.C. §544(b));
5. Recovery of avoided transfer (11 U.S.C. §550(a));
6. Preservation of avoided transfer (11 U.S.C. 0167551)

Docket 6

Tentative Ruling:

If defendant Ship Plus Logistics, Inc. is in good standing with the California Secretary of State, and is no longer in suspended status [doc. 20], the parties should be prepared to discuss the following:

Deadline to complete discovery: 5/31/2022.

Deadline to file pretrial motions: 6/15/2022.

Deadline to complete and submit pretrial stipulation in accordance with Local Bankruptcy Rule 7016-1: 6/29/2022.

Pretrial: 1:30 p.m. on 7/13/2022.

In accordance with Local Bankruptcy Rule 7016-1(a)(4), within seven (7) days after this status conference, the chapter 7 trustee must submit a Scheduling Order.

If any of these deadlines are not satisfied, the Court will consider imposing sanctions against the party at fault pursuant to Local Bankruptcy Rule 7016-1(f) and (g).

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CONT... Joseph Wanamaker

Chapter 7

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| Party Information |
|--------------------------|

Debtor(s):

Joseph Wanamaker

Represented By
Peter M Lively

Defendant(s):

Ship Plus Logistics

Pro Se

Does 1 to 10

Pro Se

Plaintiff(s):

Amy L Goldman

Represented By
Leonard Pena

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Wednesday, November 17, 2021

Hearing Room 301

1:30 PM

1:21-10254 David Nkruryan

Chapter 7

Adv#: 1:21-01055 United States Trustee (SV) v. Nkruryan

#11.00 Status conference re: complaint to discharge pursuant to
11 U.S.C. §§ 727(a)(3) and 727(a)(5)

fr. 10/20/21

Docket 1

***** VACATED *** REASON: Stipulated conversion of case to chapter 13;
adversary proceeding closed as moot [docs. 32 and 34].**

Tentative Ruling:

- NONE LISTED -

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| Party Information |
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Debtor(s):

David Nkruryan

Represented By
Rosie Barmakszian

Defendant(s):

David Nkruryan

Pro Se

Plaintiff(s):

United States Trustee (SV)

Represented By
Katherine Bunker

Trustee(s):

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Judge Victoria Kaufman, Presiding
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Wednesday, November 17, 2021

Hearing Room 301

1:30 PM

1:20-11286 Transpine, Inc.

Chapter 7

Adv#: 1:21-01024 GOTTlieb v. Tepper et al

#11.10 Plaintiff David K. Gottlieb, Chapter 7 Trustee's motion for summary judgment

fr. 10/20/21; 11/3/21

Docket 14

Tentative Ruling:

At the prior hearing on this matter, based on the defendants' agreement to vacate the real property at issue, the trustee's counsel represented that the parties would file a stipulation to dismiss this adversary proceeding. What is the status of that stipulation?

10/20/2021 Tentative:

Grant.

Movant must submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

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| Party Information |
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Debtor(s):

Transpine, Inc.

Represented By
Leslie A Cohen
Paul M Kelley

Defendant(s):

Daniel Tepper

Represented By

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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CONT...

Transpine, Inc.

Chapter 7

Baruch C Cohen

Oren Tepper

Represented By
Baruch C Cohen

DOES 1 through 10, inclusive

Pro Se

Plaintiff(s):

DAVID K GOTTLIEB

Represented By
Ron Bender
Carmela Pagay
Beth Ann R Young
Richard P Steelman Jr

Trustee(s):

David Keith Gottlieb (TR)

Represented By
Ron Bender
Carmela Pagay
Richard P Steelman Jr

**United States Bankruptcy Court
Central District of California
San Fernando Valley
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Wednesday, November 17, 2021

Hearing Room 303

2:30 PM

1:20-10026 Joseph Wanamaker

Chapter 7

Adv#: 1:21-01062 Goldman v. Ship Plus Logistics et al

#12.00 Motion to strike answer filed on behalf of defendant Ship Plus Logistics

Docket 16

Tentative Ruling:

Grant motion to strike answer, and to enter defendant's default, filed by the chapter 7 trustee.

Pursuant to Federal Rule of Bankruptcy Procedure ("FRBP") 7017, which incorporates by reference Federal Rule of Civil Procedure 17(b)(2), capacity to sue or be sued is determined "for a corporation, by the law under which it was organized." Ship Plus Logistics, Inc. ("Defendant") is a California corporation. Therefore, under FRBP 7017, Defendant's capacity to sue or be sued is governed by California corporate law or any relevant provisions.

Relevant to Defendant's corporate status, California law provides that if a corporation fails to pay taxes, penalties, interests, or any liability, its "corporate powers, rights and privileges" will be suspended. California Revenue & Tax Code § 23301. "The suspension of the corporate powers, rights, and privileges means a suspended corporation cannot sue or defend a lawsuit while its taxes remain unpaid." *Bozzio v. EMI Grp. Ltd.*, 811 F.3d 1144, 1149 (9th Cir. 2016) (citing *Kaufman & Broad Cmts., Inc. v. Performance Plastering, Inc.*, 39 Cal. Rptr. 3d 33, 36 (2006); *Gar-Lo, Inc. v. Prudential Sav. & Loan Ass'n*, 116 Cal. Rptr. 389, 390 (1974)).

Here, it appears that Defendant, as of November 15, 2021, according to the California Secretary of State business search webpage, is "suspended," and the note corresponding to Defendant's status indicates it is "FTB SUSPENDED." Under Cal. Rev. & Tax Code § 23301 and FRBP 7017, Defendant's suspended corporate status prevents it from filing an answer to the complaint in this case. Unless and until Defendant seeks relief from the suspension under California law, Defendant and counsel for Defendant are disqualified from litigating further. *See Palm Valley Homeowners Ass'n, Inc. v. Design MTC*, 85 Cal. App. 4th 553, 561 (2000).

**United States Bankruptcy Court
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2:30 PM

CONT... Joseph Wanamaker

Chapter 7

The chapter 7 trustee must submit the order within seven (7) days.

Note: No response has been filed. Accordingly, no court appearance by movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

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| Party Information |
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Debtor(s):

Joseph Wanamaker

Represented By
Peter M Lively
David B Lally

Defendant(s):

Ship Plus Logistics

Represented By
Chris L Frost

Does 1 to 10

Pro Se

Plaintiff(s):

Amy L Goldman

Represented By
Leonard Pena

Trustee(s):

Amy L Goldman (TR)

Represented By
Leonard Pena